

### **REMARKS**

With this amendment, claims 1, 19, 25, 26, 34-37, 57, 60 and 61 have been amended, and claims 45-48 and 63 have been canceled. Accordingly, claims 1-5, 19-26, 34-40, 57, 60 and 61 are presently pending.

Independent claim 1 is directed to a radio-resource management method. The method comprises “a management server receiving radio-link quality information from at least one of a plurality of radio base stations and radio terminals belonging to respective different operators; and the management server taking alteration control of a frequency that one radio base station of said at least one of a plurality of radio base stations utilizes on the basis of information received from other radio base stations belonging to different operators that use the frequency used by said one radio base station.” The other independent claims recite, *inter alia*, a substantially similar feature and are believed patentable for at least the same reasons as set forth below with respect to independent claim 1.

The Final Office Action contends that the feature that “on the basis of information relating to other base stations that use the same frequency used by said radio station” of the independent claims is disclosed in paragraph [0099] of Hamabe. Applicant respectfully disagrees.

Paragraph [0099] of Hamabe discloses “enabling use of one carrier frequency for communication among multiple base station and multiple mobile stations” of a single operator. Applicant respectfully submits that this paragraph of Hamabe does not teach the limitation of taking alteration control of a frequency that one radio base station utilizes “on the basis of information received from other base stations belonging to different operators that use the [same] frequency that is used by the one radio base station.”

Specifically, Applicant directs the Examiner to Fig. 2 and paragraph [0100] of Hamabe. In paragraph [0100], Hamabe discloses that different frequencies are assigned to Cellular System A and Cellular System B, respectively. Paragraph [0099] of Hamabe simply discusses the general CDMA technology in that each system operator uses its own frequency. Since different frequencies are used by each of the cellular system operators, Hamabe can not disclose the limitation of taking alteration control of a frequency that the radio base station

utilizes “on the basis of information received from other base stations belonging to different operators that use the [same] frequency that is used by the radio base station.” In fact, inasmuch as Hamabe teaches that different frequencies are used in Cellular System A and Cellular System B, it teaches away from the present invention as defined in the independent claims.

Furthermore, Applicant directs the Examiner to Fig. 1 of Hamabe, which illustrates that each cellular system has its own base station controller 51, 101. The independent claims require a management server taking alteration control of the one radio base station. In contrast, Hamabe base station controller 51 cannot take control of any of radio base stations 61-63 in Cellular System B – it can only take control of those radio base stations in its own Cellular System A. Accordingly, it is respectfully submitted that the independent claims patentably distinguish over Hamabe.

Laakso does not remedy any of the deficiencies of Hamabe. Laakso does not disclose or suggest taking alteration control of a frequency that the radio base station utilizes “on the basis of information received from other base stations belonging to different operators that use the [same] frequency that is used by the radio base station” as required by the independent claims. Thus, even if one were to combine the teachings of Hamabe and Laakso, one would not arrive at the present invention as defined in the independent claims. Accordingly, it is respectfully submitted that the independent claims patentably distinguish over the art of record.

Claims 2-5 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 20-24 depend either directly or indirectly from independent claim 19 and include all of the limitations found therein. Claims 26 depends directly from independent claim 25 and include all of the limitations found therein. Claims 35-36 depend either directly or indirectly from independent claim 34 and include all of the limitations found therein. Claims 38-40 depend either directly or indirectly from independent claim 37 and include all of the limitations found therein. Claims 46-48 depend either directly or indirectly from independent claim 45 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-5, 20-24, 26, 35, 36, 38-40 and 46-48 are likewise patentable.

In view of the foregoing, favorable consideration and allowance of the present application with claims 1-5, 19-26, 34-40, 57, 60 and 61 is respectfully and earnestly solicited.

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Respectfully submitted,

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